

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BEN GORDON, G7, INC., and BG4, INC.)
)
Plaintiff,)
)
vs.)
)
VITALIS PARTNERS, LLC; LARRY)
HARMON & ASSOCIATES, P.A.; KCD) No. 07 C 6807
DEVELOPMENTS, LLC; LARRY)
HARMON; and KENNY CRUZ)
)
Defendants.)

PLAINTIFFS' MOTION TO FILE AMENDED COMPLAINT

Plaintiffs, BEN GORDON, G7 DEVELOPMENT, INC. and BG4, Inc. (collectively, "Gordon"), by and through their attorneys, SPELMIRE & SOMMER, and pursuant to Federal Rule of Civil Procedure Rule 15, submits this Motion to Amend the Complaint.

1. Gordon wishes to amend his Complaint against the Defendants to correct the names of one of the Plaintiffs and one of the Defendants. Specifically, the Amended Pleading changes the name of G7, Inc. to G7 Development, Inc. and KCD Developments, LLC to KC Development Co., LLC. There are no substantive changes from the original complaint nor are there any new counts. (Proposed Amended Complaint, attached as Ex. 1).

2. Federal Rule of Civil Procedure Rule 15 provides that:

A party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires. Rule 15(a)(2).

3. Here, counsel for all of the Defendants granted the Plaintiffs their written consent to the filing of the Amended Complaint after being sent a draft of the Amended Complaint and

having an opportunity to review the proposed pleading. (Email granted written consent, attached as Ex. 2).

4. No prejudice will result upon any party or this Court by allowing the Amended Complaint to be filed.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court enter an Order granting their Motion to file the proposed Amended Complaint.

/s/
James W. Davidson

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